

# Notice of Allowability

Application No.

09/902,933

Examiner

ALEX NOGUEROLA

Applicant(s)

BECKER ET AL.

Art Unit

1753

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/06/2004.
2. ☒ The allowed claim(s) is/are 1-8 and 20-28.
3. ☒ The drawings filed on 01 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/15/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's ~~Amendment~~ Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-8 and 20-28 are allowed.
2. Geis et al. (US 5,582,701) ("Geis") was cited as an "X" reference against claims 22 and 23 in the Partial European Search Report of EP Application No. 04011177. Claims 22 and 23 depend from independent method claim 20, which among other things, requires "providing a reaction surface" and "programmable moving one or more of said packets according to said programmable manipulation forces along arbitrarily chosen paths." In contrast, Geis discloses a method for separating or transporting ionic species along a channel. See the abstract; Figures 2A-2C; and col. 2:23-39.
3. Moesner et al. ("Electrostatic Devices for Particle Micro-Handling") ("Moesner") was cited as an "X" reference against claims 22 and 23 in the Partial European Search Report of EP Application No. 04011177. Claims 22 and 23 depend from independent method claim 20, which among other things, requires "providing a reaction surface," "providing an inlet port coupled to the reaction surface," "a position sensor coupled to said reaction surface," and "tracking positions of individual packets with said position sensor." In contrast, Moesner discloses a

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method for conveying, smoothing, grouping, and sorting solid particles, which may be, for example, aluminium, various metals, glass, or plastic spherical particles. See the abstract and B. Particles on page 1304. The particles are conveyed, smoothed, grouped, or sorted on an exposed surface. See Figures 4 and 17. Thus, in these embodiments there is no inlet port. A tube-shaped embodiment with an inlet port is disclosed. See A. Electric Tube Device on page 1306. However, this embodiment is “for particle mass transportation”, not moving particles or groups of particles along arbitrarily chosen paths. Furthermore, nowhere in Moesner is a position sensor disclosed, particularly one that is used through a controller in conjunction with the means for generating programmable manipulation forces upon the particles. Moesner observes the particles with an electron microscope. See Figure 6

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX NOGUEROLA whose telephone number is (571) 272-1343. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NAM NGUYEN can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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